

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:21-cr-00248-FDW-DSC

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH A. DIBRUNO JR.,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Review Magistrate Judge Order of Detention, (Doc. No. 14), and entry of an Amended Order of Detention (Doc. No. 18), which was issued following remand by this Court (Doc. No. 17). Following review of the parties' original pleadings on the pending motion, (Doc. Nos. 14, 15, 16), and the Amended Order, which is now the operative detention order, the Court finds the gravamen of the parties' original arguments to be mooted by the Amended Order of Detention. See 18 U.S.C. § 3145(b) ("Review of a detention order. If a person is ordered detained by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of *the* order." (Emphasis added.)); see also, e.g., United States v. Bracken, No. 1:11CR74, 2011 WL 4808265, at *2 (W.D.N.C. Oct. 11, 2011) (noting that appeal of a pretrial detention order was mooted by the entry of a subsequent detention order issued following a guilty plea), on reconsideration, No. 1:11CR74, 2011 WL 4946197 (W.D.N.C. Oct. 18, 2011).

IT IS THEREFORE ORDERED that the parties shall file supplemental briefing on Defendant's Original Notice of Appeal and Motion to Revoke Detention Order (Doc. No. 14). Defendant shall file a supplemental brief asserting and/or reasserting any applicable arguments directed to the Amended Order of Detention (Doc. No. 18). Such motion shall be filed no later than December 29, 2021, and the Government shall respond by January 12, 2022. Defendant may file a reply brief no later than January 19, 2022.

IT IS SO ORDERED.

Signed: December 15, 2021

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

